IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.5l24 of 2005

Shri Ramdas S Gawali.....petitioner

vs

Pandit S Shrikhande & ors.. respondents

Mr.N.V.Gangal for petitioner

Mr Milind M Sathye for respondents

CORAM: S.U.KAMDAR J.

Dated 13.l2.2005

P.C:

. The present petition challenges the order dated 9.6.2005 by which the Jt Civil Judge S D Nasik has refused to take the written statement on record. On the facts of the present case, I am of the opinion that the trial court ought to have condoned the delay in filing the written statement in the said suit in application being Exh.35 to the said proceedings. However, in the circumstances of the aforesaid case, while setting aside the order dt. 9.6.2005 I direct that the written statement be taken on record if it is filed within a period of two weeks. If the petitioner is seeking that say

to the interlocutory application be treated as written statement then an affidavit to that effect be filed within two weeks from today. The petitioner is directed to pay costs to the respondent quantified at Rs.2000. Hearing of the suit is expedited.